

NATIONAL LIBRARY OF MEDICINE
Bethesda, Maryland



No. 12.
AN ACT

New York (State) Laws, statutes.

TO PROVIDE AGAINST

Infectious and Pestilential

Diseases.

PASSED 30th MARCH, 1801.

NEW-YORK:

PRINTED BY JAMES CHEETHAM,

NO. 81, PEARL-STREET.

1804.

W2

270

N529ac

1804



PRINTED BY JAMES ONTARIO

NEW YORK

PRINTED BY JAMES ONTARIO

NO. 11, NASSAU ST.

1804

A N A C T

To Provide against Infectious and Pestilential Diseases.

PASSED 30th MARCH, 1861.

BE IT ENACTED *by the people of the State of New-York, represented in senate and assembly,* That there shall continue to be a health-office in the city of New-York, under the superintendence of three commissioners, who shall consist of a health-officer, and of a physician, to be styled the resident physician, and one other person; That the health-officer shall reside at Staten-Island, the Resident Physician in the city of New-York, and the other commissioner at or near the marine-hospital on Staten-Island, or in the city of New-York, as a majority of the said commissioners may deem most proper; that the said commissioners shall be appointed by the person administering the government of the state, by and with the advice and consent of the council of appointment: Provided, however, that the persons now holding and exercising the office of commissioners aforesaid, may continue therein until others shall be appointed in their stead: And provided further, that it shall be lawful for the mayor, or in his absence the recorder of the city of New-York, in case of the death or resignation of any of the said commissioners, to appoint a suitable person to supply such vacancy, until the sense of the council of appointment shall be declared thereon.

And be it further enacted, That all vessels arriving in the port of New-York, from any port, island, or other place in the

4
East-Indies, or from any port, island, or other place on the coast of Africa, or from any port, island, or other place in the Mediterranean, or from any port, island, or other place in the South-Seas, or from any port, island, or other place in the West-Indies, or from any port, island, or other place whatever in America lying to the southward of Georgia, or from any port or other place in the Bermuda-Islands, at any time in any year, or from any foreign port, place, or island whatever, between the last day of May and the last day of October in any year, shall be subject to quarantine of course, and to the examination of the health-officer, under the regulations herein prescribed; and that all vessels arriving in the port of New-York, from any port, island, or other place in the United States south of Sandy Hook, between the first day of June and the first day of October in any year, shall anchor at the place assigned for quarantine, and shall be subject to such regulations as vessels which are to perform quarantine of course, if on the examination of the health-officer it shall by him be deemed expedient; and that any master or commander of a vessel offending in the premises shall be considered as guilty of a misdemeanor, and on conviction thereof, shall for each offence be fined by the court having cognizance of the same, in a sum not exceeding two thousand dollars, or be imprisoned for a time not exceeding twelve months.

And be it further enacted, That whenever a vessel shall arrive at the anchoring place for vessels at quarantine from a place where a malignant or pestilential fever prevailed, or if during her voyage, any person has died, or been sick on board with such fever, the master, owner or consignee shall forthwith upon the requisition, and under the direction of the health officer whose duty it shall be to make such requisition, cause such vessel to be unloaded, cleansed and purified, and that until then, no permit shall be granted for her to proceed to the city of New-York; and every master, owner, or consignee neglecting or refusing to comply with such requisition of the health-officer, shall be considered guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding five hundred dollars, or be imprisoned for a time not exceeding six calendar months, by any court having cognizance thereof.

And be it further enacted, That whenever any vessel shall arrive at the quarantine ground, between the first day of June and the first day of October in any one year, from a place to the southward of the latitude of Sandy-Hook, the master or person having the charge of such vessel, shall forthwith, upon the requisition of the health-officer, cause all the wearing apparel, bedding and every other thing on board, likely in the opinion of the health-officer to communicate infection, to be landed, for the purpose of being cleansed with water, or otherwise purified, under the direction of the commissioners of the health-office, by persons to be employed by them; during which cleansing, they shall if necessary, furnish any indigent person with change of apparel, at the expence of the health-office, the same to be afterwards returned to the said commissioners: Provided, that it shall not be the duty of the commissioners to employ persons to cleanse and purify any part of the cargo of any vessel. And that until such requisition shall be complied with, no such vessel shall have a permit to proceed to the city of New-York. And that every master or person having charge of a vessel so circumstanced, neglecting or refusing to comply with such requisition, shall be considered guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not exceeding two hundred dollars, or be imprisoned for a time not exceeding three calendar months, by any court having cognizance thereof.

And be it further enacted, That it shall be lawful for the governor of this state, or in his absence, the mayor of the city of New-York, or in the absence of both of them, the recorder of the said city from time to time, whenever it shall appear adviseable, to issue publicly his order, declaring whatever description of vessels to be therein designated, together with the ports, islands or countries whence they come, shall also be subject to quarantine; that in like manner it shall be lawful for him to issue his proclamation, prohibiting or regulating the intercourse by land, and ferries between the city and county of New-York, and any other place where he shall learn that a pestilential or infectious disease doth prevail; and that all persons offending in the premises, shall be liable to punishment as for a misdemeanor, by fine and imprisonment, at the discretion of the court having cognizance thereof; and moreover, it shall be

lawful for the said commissioners of the health-office, to cause any vessel subject to quarantine, which, before she shall have been so visited, examined and reported as aforesaid, shall be brought to anchor elsewhere in the port of New-York; and all vessels, though not described in this act, or in such order as above mentioned, as vessels subject to quarantine, or having on board a person sick with a disease, which in the judgment of the health officer, there is reason to believe is infectious, or having on board articles suspected of containing infectious matter, whether brought from foreign countries, or generated, or accumulated on board, to be removed to and brought to anchor at the anchoring place for vessels at quarantine; and to cause all persons, articles or things, which may have been landed, to be seized and arrested, and to be returned forthwith on board such vessel, or removed to the said hospital. And it shall be further lawful for them to cause all persons who shall come into this state, contrary to the prohibitions and regulations in such order or proclamation as aforesaid, to be apprehended, and if well, to be conveyed out of this state, whence they last came, and if sick, to be removed to the said hospital.

And be it further enacted, That no vessel subject to the examination of the health officer, shall approach the city of New-York beyond the place assigned for quarantine, without a written permit for that purpose from him; and that the master or commander of every such vessel arriving at the city of New-York, shall within twenty-four hours after such arrival, deliver such permit to one of the commissioners of the health office resident in the said city; and every master or commander neglecting or refusing to comply with either of these directions, shall for every such offence be considered guilty of a misdemeanor, and on conviction thereof shall be fined by any court having cognizance thereof, in a sum not exceeding two hundred dollars, or be imprisoned for a time not exceeding twelve months.

And be it further enacted, That quarantine shall continue for such time, as to the health commissioners shall seem proper, and no vessel otherwise subject to quarantine shall be exempted therefrom, by reason of having previous thereto entered into

any of the ports in the United States, unless such vessel shall have remained in such port for fourteen days; and the several branch-pilots and their deputies belonging to the port of New-York, shall use their utmost endeavours to hail every vessel coming into the said port from sea, and shall ask and demand of the master or commander of every such vessel, whether he has on board any person or persons labouring under any pestilential or infectious disease, or whether there is on board any cloathing or freight containing pestilential or infectious matter, and whether the sickness, if any, broke out on board, or existed amongst the inhabitants of the port from whence the vessel last sailed, and on being answered in the affirmative to any of the said questions, shall immediately give notice to the master or commander of such vessel, that he subject his vessel, crew, passengers and cargo to quarantine, and shall forbid him to proceed further than the anchorage assigned for quarantine, and shall direct him to anchor his vessel there, and to remain there until he shall receive further directions from the commissioners of the health-office, or in their default from the governor of this state, or in his absence from the mayor or recorder of the aforesaid city; and all such commanders of vessels are strictly forbid from putting on shore any person who belonged to, or performed the voyage in such vessel, and from unloading or putting on board of any other boat or vessel any person or persons, cloathing, goods, merchandize or freight from or out of his vessel, until direction to that effect shall be given him pursuant to this act; and every master or commander of any vessel who shall give false information relative to the condition of his vessel, crew, passengers, freight or cargo, when hailed by any pilot, or shall notwithstanding being forbid by such pilot bring his vessel nearer the city than the ground assigned for quarantine, or land any passenger or unlade any of his cargo, shall be considered as guilty of a misdemeanor, and on conviction thereof shall be fined by the court having cognizance of the same in the sum of two hundred dollars for each offence; and every passenger or any other person on board such vessel departing therefrom, or unlading any of the cargo thereof, without leave first obtained from the commissioners aforesaid, shall be considered as

guilty of a misdemeanor, and be punishable (if convicted) in like manner as the master and commander last mentioned.

And be it further enacted, That it shall be the duty of every pilot who conducts a vessel into the port of New-York, to take care that no violations of this act are committed by any person on board, and if any such are committed and not reported by such pilot to the health officer, as soon as may be, such pilot shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding two hundred dollars. And further, that it shall be the duty of every such pilot to deliver such printed extracts from this act as shall be entrusted to him by the health officer for that purpose, to every master of a vessel piloted by him into the port of New-York and that every pilot for neglecting or refusing so to do, shall be deemed guilty of a misdemeanor and punishable as last aforesaid.

And be it further enacted, That it shall be lawful for the health-officer, and he is hereby authorized and required without delay, to enter on board of every vessel, coming into the port of New-York under the circumstances aforesaid, and there to make strict search, examination and enquiry, as to the health of the officers, seamen and passengers, and into the state and condition of the vessel, her cargo and contents respectively, and to report his discovery and opinion thereon, with all speed to the health-office, for the consideration of the commissioners of the health-office, and if any person shall oppose or obstruct the health-officer from performing the duties required of him by this act, he shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars.

And be it further enacted, That if any person shall go on board, or have any communication or dealings with any vessel lying at quarantine, without permission first obtained in writing with the signature of the health-officer, shall be considered and adjudged guilty of a misdemeanor, and upon complaint being made by either of the commissioners, to one of the justices of the peace, for the city and county of New-York, he shall issue a warrant, commanding some proper officer to bring the person so complained of forthwith, before him or some other justice of the peace, for the city and county of New-York, and the said justice before whom the said offender shall be brought,

shall then and there demand of the said offender, that he or she shall enter into recognizance with sufficient surety in the sum of one hundred dollars, to appear at the next court of general sessions of the peace, to be holden in the city and county of New-York, to answer unto the said complaint, of which offences the said court is hereby authorized and empowered to take cognizance, and impose such fines as by them shall be thought proper, not exceeding the sum of two hundred dollars; and if such offender upon being brought before the justice, shall neglect or refuse to enter into recognizance as aforesaid, the said justice shall commit him to the common goal of the city and county aforesaid, commanding the keeper thereof, to receive and keep the said offender in the said goal, until he shall enter into recognizance as aforesaid, or be discharged by due course of law; and in all cases mentioned in this act, when offenders are required to enter into recognizance, the justices aforesaid shall, if required, proceed in manner aforesaid.

And be it further enacted, That no boat from any outward or inward bound vessel shall land at the quarantine ground after sunset, nor shall boats of any description at any time pass through the range of vessels lying at quarantine, and that any person offending against either of these directions shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding fifty dollars.

And be it further enacted, That after the said health officer shall have visited and examined each vessel performing quarantine, it shall be his duty whenever he shall judge the same to be clean, safe and free from infection, to report her to the health office, that further directions may be given concerning her procedure; and the disposal of whatever freight, cargo or materials she may contain; and for the better performance of his trust, the health commissioners shall furnish him at all times, when he shall require it, with a convenient boat, with men sufficient to row the same, and for that end, it shall be lawful for them to contract with any person for that purpose, and in order that the said health-officer may be more effectually enabled to make examination, whether vessels ought to be subject to quarantine, it shall be lawful for him to put all such questions to the persons on board such vessels as shall be needful and proper to that end, and the persons to whom such questions shall be put,

may be required to answer the same on oath, which oath, he is hereby authorized to administer accordingly, and every person swearing falsely in the premises, shall be liable to the pains and penalties of wilful and corrupt perjury.

And be it further enacted, That if in the judgment of the health officer or resident physician, any vessel arriving in the port of New-York, shall require purification, it shall be his duty to direct the time and manner in which such purification shall take place, and the expences thereof shall be defrayed by the master, commander, owner or consignee of such vessel; and the master, commander, owner or consignee of every such vessel for every neglect or refusal to comply with, and to aid in the execution of such direction, shall be considered as guilty of a misdemeanor, and on conviction thereof, shall be fined by any court having cognizance of the same, in a sum not exceeding one thousand dollars.

And be it further enacted, That if the master, commander, owner or consignee of any vessel arriving in the port of New-York, shall neglect or refuse to remove such vessel, to the place, and in the time required by the commissioners of the health-office, it shall be the duty of the said commissioners, and they are hereby empowered to cause the same to be done, at the expence and risque of such master, commander, owner or consignee, and the monies so expended, shall be recoverable by the said commissioners, with costs, by an action on the case in their own names, against such master, commander, owner or consignee, in any court having cognizance thereof.

And be it further enacted, That every person keeping a board or lodging-house, in the city of New-York, between the first day of June, and the first day of November in any year, shall within twelve hours after any seafaring man or sojourner, shall become sick in such boarding or lodging house, report in writing the name of such diseased person to the health officer; and that no master of a vessel or any other person whatever, shall remove any sick person from any vessel lying at any wharf, or in the harbour of the city of New-York before the name of such sick person has been reported to the health-office, and a written permit granted for the purpose of such removal; and that any person neglecting or refusing to comply with either of these directions, shall be considered guilty of a misdemeanor, and be fined

for a sum not exceeding one hundred dollars, or be imprisoned for a time not exceeding six months by any court having cognizance thereof.

And be it further enacted, That no cotton or hides, damaged coffee or damaged peltry, shall be brought into the city of New-York, between the first day of June and the first day of November, in any year, and no coffee or peltry whatever within the period aforesaid, unless authorised by the commissioners of the health office, after having been examined. And that if any of the articles aforesaid be brought into the said city in violation of this act, it shall be the duty of the said commissioners to seize and sell the same, and to apply the neat proceeds thereof to the use of the health office.

And be it further enacted, That every person practising physic in the said city, who shall have a patient labouring under a pestilential or infectious disease, shall forthwith make a report in writing to some of the said commissioners of the health office; and for neglecting so to do, he shall be considered guilty of a misdemeanor, and be fined in a sum not exceeding fifty dollars.

And be it further enacted, That all persons and things within the city of New-York, infected by or tainted with pestilential matter, which in the opinion of the commissioners of the health-office, ought to be removed from the said city, shall, by order of the said commissioners, be sent to the marine hospital: Provided always, that the expences in the said marine hospital, of all persons who shall at any time be removed thereto from the city of New-York, having gained a legal settlement in the said city, and who shall not have sufficient means to pay for their board, medicine and attendance, shall be deemed to be, and shall be borne and paid as part of the contingent expences of the said city.

And be it further enacted, That all persons removed to the said marine hospital, other than those who have paid hospital money, shall be liable to pay a reasonable sum for their board, medicine and attendance therein; and if any of them deemed to have sufficient means, shall refuse or neglect to pay such sum as they may be reasonably charged with, the same shall be sued for and recovered from them, by the said commissioners, by an action on the case in their own names.

And be it further enacted, That the hospital erected on the east-

terly part of Staten-Island, shall continue to be denominated the Marine Hospital, and shall, together with the other buildings and improvements made or to be made thereon, at the discretion of the said commissioners, and the land adjoining the same and belonging to the people of this state, be holden by the commissioners of the said health office, in trust for the use of the people of this state, and the purposes specified in this act; and all vessels subject to quarantine, shall come to anchor as near as may be to the said hospital, which is hereby declared to be the anchoring place for vessels at quarantine: that the said health officer shall be physician of the said hospital, and the said commissioners of the health office shall, in other respects, have the superintendence thereof, and employ mates, nurses and attendants, and provide bedding, cloathing, fuel, provisions, medicine and such other matters as shall be requisite therein; and it shall be lawful for them to make reasonable rules and orders, for the government and management of the said hospital.

And be it further enacted, That no person, unless authorized by the health officer, shall go within a line to be designated upon the land belonging to the people of this state, round the marine hospital aforesaid, by the commissioners of the health-office, and that every person so transgressing, shall be considered guilty of a misdemeanor, and fined in a sum not exceeding one hundred dollars, or be imprisoned for a time not exceeding thirty days, by any court having cognizance thereof: and that the public highway which passes through the said land, shall be within four months from the time of passing this act, stopped up by the commissioners of highways of the town in which such land is situate, and another public highway opened as near as may be convenient with the approbation of the health officer.

And be it further enacted, That every diseased person, duly landed or sent to the marine hospital, shall be there kept and maintained until the health officer shall grant him or her a discharge in writing; and if, before obtaining a discharge as aforesaid, any such person shall elope or be absent beyond the line limited and designated as above mentioned, it shall be lawful for the health officer, or any constable, or other person whom he shall call to his assistance, and they are hereby enjoined and required to pursue and apprehend the person so eloped or absent, and there again deliver him or her, to be detained until

discharged as aforesaid; and any person so eloping or absenting from the marine hospital, or any diseased person in the marine hospital refusing or neglecting to obey the directions of the health officer, and the orders and regulations of the commissioners of the health office, shall be considered as guilty of a misdemeanor, and as such shall be punishable by any court having cognizance thereof.

And be it further enacted, That the master, commander or owner of every vessel, leaving any seaman or sailor, belonging to such vessel, sick in the said hospital, other than those seamen who pay hospital money, shall pay unto the commissioners such sum or sums of money as have been expended on him or them for their board, attendance and medicine, during the time they were in the said hospital, to be sued for and recovered from such master, commander or owner, by the said commissioners, by an action on the case in their own names.

And be it further enacted, That colours, designating a vessel subject to quarantine, shall be fixed in the main shrouds, half way between the main deck and the topmast of such vessel, and there remain until the expiration of her quarantine, and that if the master or commander of any such vessel shall not comply with this direction, or if the master or commander of any vessel not subject to quarantine shall exhibit such signal, or continue such signal, after being ordered by the health officer to remove it, he shall forfeit for every such offence the sum of fifty dollars, and the further sum of three dollars for every hour he shall so offend, to be recovered by the commissioners of the health office, with costs, in an action of debt, in their own names, in any court having cognizance thereof.

And be it further enacted, That upon complaint being made in writing, by one or more of the commissioners of the health office, to the wardens of the port of New-York, charging any pilot with neglect or violation of any of the duties herein prescribed or enjoined upon him, it shall be the duty of the said wardens of the port, forthwith to suspend such pilot from piloting any vessel until he shall have entered into recognizance before one of the justices of the peace for the city and county of New-York, in the sum of two hundred dollars, with sufficient sureties to answer to the offence wherewith he is charged, at the next general sessions of the peace, to be held in the city

and county of New-York, which offence the said court is hereby authorized to try and determine, and to impose such fine as they may deem proper, not exceeding the sum of one hundred and twenty-five dollars; and it shall be the duty of every pilot who shall conduct any vessel subject to quarantine into the port of New-York, to land immediately at the health office stairs, and to leave at the said health office, in writing subscribed by him, the name of such vessel, and also the name of her commander, and the name of the place from which she last came or sailed; and every pilot neglecting or refusing to perform any of the duties required of him by this act, or permitting any vessel or boat, to come along-side of such vessel, which such pilot shall have the direction of, or permitting any thing to be thrown into such vessel or boat, shall in addition to the above penalties, forfeit for every such offence, the sum of twenty-five dollars, to be recovered by the commissioners of the health office, with costs, in an action of debt in their own names, in any court having cognizance thereof.

And be it further enacted, That it shall be lawful for the said health officer, whenever he shall judge it necessary to prevent infection, to cause any bedding and cloathing arriving in a vessel subject to quarantine, to be destroyed, and that it shall be lawful for the commissioners of the health office, when in their opinion it shall be necessary for the public safety, to procure and employ occasionally medical advice and assistance, the expence of which shall be considered and settled as part of the contingent expences of the city and county of New-York.

And be it further enacted, That all the fines and penalties imposed and received under this act, shall be paid to the said commissioners, to be by them applied towards defraying the expence of the health-office.

And be it further enacted, That the said commissioners, or either of them, are hereby authorized and required to demand and receive, and in case of neglect or refusal, to sue for and recover in their own names, or in the name of either of them, with costs of suit, from the captain or commander of every vessel which shall hereafter enter the port of New-York from any foreign port, the following sums of money, to wit: For each captain or commander, or cabin passenger, one dollar and fifty cents; for each steerage passenger, seventy-five cents; and for

each mate, sailor or mariner, seventy-five cents ; which several sums shall be demandable of the captain or commander of every such vessel, and on payment thereof, every such captain or commander shall and may lawfully demand and receive from every such person on whose account respectively the same shall have been paid, the monies so paid ; and the said monies so to be received by the said commissioners, or either of them, shall be appropriated by them to the use of the health office, deducting therefrom the sum of two and a half per cent. which they are hereby authorized to retain as a compensation for collecting the same.

And be it further enacted, That the compensation of the resident physician, and of the other commissioner other than the health officer, shall be to each of them one thousand dollars per annum, to be paid out of the monies by this act appropriated for compensating the commissioners of the health office ; and that the health officer shall be entitled to receive as physician to the said hospital the sum of five hundred dollars per annum, to be paid as aforesaid ; and also for his services in searching and examining vessels from foreign ports, in pursuance of this act, the sum of seven dollars and fifty cents for each vessel so by him examined, to be paid by the master or commander of the same ; and for visiting coasting vessels, in pursuance of this act, when subject to quarantine, the sum of four dollars for each vessel so visited by him in person, to be paid by the master or commander thereof ; and the health officer shall also be entitled to receive from the master or commander of every vessel arriving in the port of New-York, from any port, island or other place in the United States south of Sandy-Hook, between the first day of June and the first day of October in any year, the sum of four dollars for each vessel above one hundred tons, and the sum of two dollars for each vessel of or below one hundred tons, so visited by him, excepting all boats arriving in the harbor of New-York, from any port or harbor on the shores of New-Jersey, between Sandy-Hook and Cape-May, or any part of Long-Island.

And be it further enacted, That it shall be the duty of the said commissioners to account annually to the comptroller for all monies received by them for the use of the health office, and if the same shall in any one year be more than sufficient to de-

fray the expence of executing the trust committed to them, exclusive of such expences, as are to be borne and paid as part of the contingent charges of the city of New-York, and including the annual compensations herein before granted to the said commissioners, then and in such case the said commissioners shall pay the residue thereof into the treasury of this state; and if at any time the money received by the said commissioners should not be sufficient for the purposes aforesaid, it shall be lawful for the person administering the government of this state, upon the application of the said commissioners, to direct the comptroller to issue a warrant to the treasurer, to pay to the order of the said commissioners, such sum as he may think necessary for the purposes aforesaid, not exceeding in the whole two thousand five hundred dollars in any one year.

And be it further enacted, That it shall be lawful for the said commissioners of the health office, or a majority of them, as they shall judge adviseable, to make and execute rules and orders for cleansing and scouring the streets, alleys, passages, curtilages, sewers, yards, cellars, vaults, sinks and other places where filth and corruption collect within the said city, and for removing all offensive, noxious or putrid articles or substances, which may be stored or otherwise collected within the said city; and all necessary expences for carrying the said rules and orders into effect, where the same relate to the cleansing of such places, as are not the property of private individuals, shall be deemed as part of the contingent expences of the said city, and the monies for defraying the same, shall be raised in like manner as the other contingent expences of the said city; and where the same shall relate to the cleansing such places as are the property of individuals, such expences shall be paid by the owners or occupiers thereof: Provided, all such rules and orders shall be reported to and may be suspended or repealed at any time by the person administering the government of this state.

And be it further enacted, That whenever the city of New-York, or any part thereof, shall be annoyed or rendered foul by any manufactory, trade, work or business, producing noxious vapors or highly offensive smells, or by any place where noxious or putrid substances shall be stored or collected within the said city, it shall be the duty of the said commissioners, or a major-

rity of them, if in their opinion the public health, or that of individuals, shall be endangered thereby, to proceed forthwith to such place or places, and to make due enquiry and strict examination respecting the same; and that it shall be lawful for them, or either of them, whenever it may be necessary, to require the aid or assistance of a justice of the peace and constable in making of such enquiry and examination, who are hereby authorised and required to break open, whenever admittance cannot otherwise be obtained, the door or doors of such place, where such manufactory, trade, work or business is carried on, producing or affording such noxious vapour or highly offensive smell, or where such offensive substances are deposited; and if the said commissioners, or a majority of them, shall judge any such manufactory, trade, work, business or repository, to be carried on or kept in such manner as to be a nuisance, they shall declare it so in writing to the owner thereof, or in his absence to such workman, clerk, keeper or one of the family, as they may then find on the premises, and at the same time shall require the removal, abatement or discontinuance of the said nuisance, as the case may require, within the time to be limited in the said writing; and if on the expiration of the said time, the same order shall not have been complied with, it shall be the duty of the mayor or recorder of the said city, upon representation thereof to either of them made by the said commissioners, or a majority of them, immediately to issue a warrant under the hand and seal of the said mayor or recorder, directed to the sheriff of the said city, commanding him forthwith without delay, to cause to be removed, abated or discontinued such nuisance; and the person to whom such declaration and requisition in writing as aforesaid shall be made, shall besides, for not complying therewith, be considered as guilty of a misdemeanor, and on complaint being made thereof in writing, by any one or more of the said commissioners, to any one of the justices of the peace of the said city, it shall be the duty of such justice to bind the person so complained of, in a recognizance with sufficient surety, in the sum of two hundred dollars, for his appearance at the next general sessions of the peace in the said city, to answer to the said charge, and on due proof thereof, it shall be lawful for the said court to impose a fine on the

person or persons so offending, in a sum not exceeding one hundred dollars, out of which fine the expences of removing, abating or causing to be discontinued such nuisance, shall be paid.

And be it further enacted, That nothing in this act contained shall be construed to interfere with the remedies against nuisances prescribed by the common law.

And be it further enacted, That all vessels having on board any person infected with any malignant or pestilential fever, or coming from any place whatsoever infected therewith, shall not come into any of the ports or harbors of this state, until they shall have performed quarantine for such time and in such manner as the persons hereinafter mentioned shall think proper to direct; to wit. for the cities of Albany and Hudson, and up Hudson's river opposite to the said cities, and within one mile above or below the same, the person administering the government of this state, and in his absence from the said cities respectively, the mayor, and in his absence, the recorder of the said cities respectively, and for any town in this state bordering or lying upon any port or harbor of this state, and upon the waters opposite to the same towns, any two or more justices of the peace residing therein; and if any person subject to quarantine as aforesaid, shall violate any of the regulations to be prescribed respecting the same as aforesaid, he shall be considered guilty of a misdemeanor, and shall be fined by any court having cognizance thereof in a sum not exceeding five hundred dollars.

And be it further enacted, That it shall be lawful for the said persons hereby authorized to execute this act, in the said cities of Albany and Hudson, and for any two or more justices of the peace in any town of this state, to take effectual measures, to prevent the introduction and spreading of any infectious distemper into any part of this state, and for that purpose to stop, detain and examine any person coming from any place infected with any such malignant or pestilential fever, and if there shall be good cause to suspect any person to be infected therewith, it shall be lawful for the several persons aforesaid, to cause every such person to be sent out of this state, not being an inhabitant thereof, or kept in such place as will not expose the inhabitants of the same to take such distemper; and further to appoint and

authorize such and so many persons to aid in the execution of their powers aforesaid, as they shall respectively deem proper.

And be it further enacted, That it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint a physician in each of the cities of Albany and Hudson, to assist in carrying into effect the provisions contained in the two preceding sections of this act, and such physician who shall examine any vessel coming from a foreign port, shall be entitled to receive from the commander thereof the sum of seven dollars and fifty cents.

Secretary's Office of the State of New-York.

APRIL 10, 1861.

I Certify the preceding ACT to be a true Copy of the Original now on File in this Office.

DANIEL HALE, Sec'y.

An ACT supplementary to an Act entitled “ An Act to provide against Infectious and Pestilential Diseases.”

BE IT ENACTED *by the people of the state of New-York, represented in senate and assembly,* That every vessel arriving at the quarantine ground between the first day of June and the first day of October, in any one year, from a place where a malignant or pestilential fever prevailed at the time of her departure from such place, or if during her voyage any person has died or been sick on board with such fever, shall not be permitted within the period aforesaid, to approach nearer to the city of New-York than the said quarantine ground, except such vessel be bound to a place eastward of the said city, and beyond the state, when in such case she may be permitted to proceed onward through the Sound, without coming to anchor near the city, or holding any intercourse with it; and that no person arriving in such or any other vessel at the quarantine ground, shall proceed to the city of New-York, nor shall any part of the cargoes of such vessels be conveyed to the city of New-York, without a permit in writing from the health officer; and that any master or commander of a vessel, passenger or seaman, or any other person offending in the premises, shall be considered guilty of a misdemeanor, and on conviction thereof, shall for each offence be fined in a sum not exceeding two thousand dollars, to be applied to the use of the Marine Hospital, or be imprisoned for a time not exceeding three years, by any court having cognizance thereof.

And be it further enacted, That no ship or vessel which shall arrive in the port of New-York, from any place in the West-Indies in South-America, in the United States southward of Savannah in Georgia, in the river Mississippi, in the Mediterranean, in Africa or the islands thereof, or in Asia (except Canton and Calcutta) or the islands thereof, between the first day of June and the first day of October, in any one year, shall within that period, and after having been examined and permitted

to proceed by the health officer, approach within three hundred yards of that part of the island of New-York, which lies southward of a line drawn from the house owned and occupied by William Bayard, on the North river, and Stuyvesant's dock upon the East river. But nevertheless, if such ships or vessels coming at anchor within three hundred yards of the said city of New-York, the owner or consignees of such vessel chusing to discharge the whole or any part of said cargo, if such part of her cargo be proper and sound, the same may be unloaded or discharged by boats or lighters, subject to the regulations of the commissioners of the health office; and the said vessel or vessels being unloaded of her or their cargoes, shall then be under the order and regulations of the office aforesaid, as it respects appointing proper places for cleansing and repairing; and that every master, commander, owner or consignee of a vessel concerned in violating this direction, shall be considered guilty of a misdemeanor, and shall upon conviction be subject to the same pains, penalties and fines, to be imposed and applied as aforesaid.

And be it further enacted, That no salted provisions shall be packed or repacked, at any season of the year, in that part of the city of New-York lying to the southward of a line drawn from the outlet of Lispenard's meadow, and thence following the course of the canal until it intersects Grand-street, and thence through Grand-street to where it intersects Ferry-street, then down Ferry-street to the East river; and that from the first day of May to the first day of October, in any one year, no salted or pickled beef or fish in barrels or half barrels, except smoked beef and fish, shall be deposited within the above limits, except such as shall be exposed for sale by butchers in the public markets, or shall be kept by the heads of families for the use of their respective families: and that every person offending in the premises shall be considered guilty of a misdemeanor, and upon conviction thereof shall be fined for each offence in a sum not exceeding five hundred dollars, or be imprisoned for a time not exceeding six months, by any court having cognizance thereof.

And be it further enacted, That it shall be lawful for the comptroller to issue his warrant on the treasurer, in favor of the com-

commissioners of the health office, for two thousand five hundred dollars, for which sum the said commissioners of the health office shall be accountable, and tender to the comptroller accounts and sufficient vouchers for the expenditure thereof, to be applied by them to satisfy all demands which have accrued against them for the last year, and to cause to be made such repairs and improvements as may be necessary in the wharves, fences and buildings at the quarantine ground.

And be it further enacted, That all cotton in bales which is the produce of any part of the United States, or the territories thereunto belonging, shall and may be brought into that part of the city of New York, north of a line commencing at the outlet of Lispenard's meadow, and thence in a line to Ferry-street, at or near Collear's Hook, on the East river, between the first day of June and the first day of November, in any one year, any law to the contrary notwithstanding.

STATE OF NEW-YORK }
SECRETARY'S OFFICE. }

I CERTIFY the preceding to be a true copy
of the original now on file in this office.

Dated at Albany, the 17th day of March, 1804.

T. TILLOTSON, Sec'y.



